

Kevin R. Anderson (4786)  
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OFFICE OF THE CHAPTER 13 TRUSTEE  
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**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION**

IN RE: LINDA KAREN KOELBEL  Debtor	CASE NO: 07-23598  Chapter 13 FILED ELECTRONICALLY  JUDGE WILLIAM T. THURMAN
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**TRUSTEE'S MOTION TO DISMISS FOR NON-COMPLIANCE  
WITH CONFIRMATION ORDER**

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KEVIN R. ANDERSON, Standing Chapter 13 Trustee, hereby moves this Court for an entry of an Order dismissing the above-entitled case for failure to comply with the Order Confirming Debtor's Chapter 13 Plan. In support thereof, the Trustee represents as follows:

1. Pursuant to the terms of the Order Confirming Debtor's Chapter 13 Plan, the Debtor is required to make payments of \$81.80 on or before the 25th day of each month. The above named Debtor has failed to comply with this term of the confirmed plan resulting in a delinquency in monthly payments to the Trustee in the total sum of \$245.40 (see Exhibit "A").
2. The Trustee may withdraw this Motion to Dismiss if the entire delinquency in the amount stated above is cured by May 17, 2010. If the payment is tendered after the next monthly payment

comes due on the 25th, the Trustee will not withdraw the Motion to Dismiss unless an additional \$81.80 is included in the payment to cure the delinquency stated in paragraph (1),

3. If the payment delinquency is not cured as stated above, failure to file a written response with the Court by May 17, 2010, and failure to serve a copy of the response upon the Chapter 13 Trustee, will result in the administrative dismissal of this case without further notice or hearing. Failure to hold a hearing within forty (40) days of filing the written response will also result in the administrative dismissal of this case without further notice or hearing.

4. Sufficient notice of the resulting Order of Dismissal will be provided to all parties in interest pursuant to Fed.R.Bankr.P. 2002(f).

THEREFORE, unless the Debtor cures this default in the plan, it is in the best interest of creditors and the estate that the Court enter an Order of Dismissal dismissing this case under 11 U.S.C. 1307.

Dated: 4/21/2010

/s/ KRA  
KEVIN R. ANDERSON  
Chapter 13 Trustee

CERTIFICATE OF MAILING

The undersigned hereby certifies that true and correct copy of the foregoing Trustee's Motion to Dismiss was served upon all persons entitled to receive notice in this case via ECF notification or by U.S. Mail to the following parties on April 21, 2010:

LINDA KAREN KOELBEL  
65 EAST 100 NORTH  
OREM, UT 84057

ROBERT S. PAYNE  
ECF NOTIFICATION

/s/

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Office of Chapter 13 Trustee

**EXHIBIT "A"**

Trustee's Accounting of Receipts as of April 21, 2010

<u>Date</u>	<u>Payment Type</u>	<u>Amount</u>
09/17/2007	232442	\$81.80
10/18/2007	236936	\$81.80
11/08/2007	237059	\$81.80
12/19/2007	237247	\$81.80
01/15/2008	237358	\$81.80
02/13/2008	237478	\$81.80
03/11/2008	241193	\$81.80
04/21/2008	241057	\$300.00
04/21/2008	241054	\$81.80
05/07/2008	241107	\$81.80
06/19/2008	241354	\$81.80
07/18/2008	241482	\$81.80
08/21/2008	244782	\$81.80
09/22/2008	244923	\$81.80
10/23/2008	245021	\$81.80
11/21/2008	245128	\$81.80
12/29/2008	245235	\$81.80
01/26/2009	245317	\$81.80
02/26/2009	247586	\$81.80
02/26/2009	247585	\$370.00
03/27/2009	247663	\$81.80
04/27/2009	247737	\$81.80
06/01/2009	247845	\$81.80
06/29/2009	247932	\$81.80
07/29/2009	248016	\$81.80
09/21/2009	248176	\$81.80
10/21/2009	252721	\$45.80
11/16/2009	252791	\$81.80
12/28/2009	252933	\$81.80
01/06/2010	252947	\$81.80

Total Receipts: \$2,924.40